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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,954	07/22/2003	Steffen Derhardt	A-3772	6281
24131	7590	12/08/2009	EXAMINER	
LERNER GREENBERG STEMER LLP			CULLER, JILL E	
P O BOX 2480			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/624,954	DERHARDT, STEFFEN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jill E. Culler	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 August 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 22 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,228,390 to Jahn in view of U.S. Patent No. 2,853,943 to Royer and U.S. Patent No. 6,490,974 to Wadlinger et al.

With respect to claims 1 and 8, Jahn teaches throwing-on impression and throwing -off impression in a printing press, comprising: an impression cylinder, 3, a single cylinder, 2, acting as a form cylinder, a blanket cylinder, or both; an applicator roller, 1; a cylinder throw-on and throw-off bearing for throwing said single cylinder on and off said impression cylinder, said cylinder throw-on and throw-off bearing including a rotatably mounted actuating element, 4. See column 4, lines 1-28 and the Figures.

Jahn does not teach a roller throw-on and throw-off bearing for throwing said applicator roller on and off said single cylinder said bearing including a first rotatably mounted actuating element, a coupler forming a coupler mechanism together with said first and second actuating elements, and a thrust joint having a dead thrust travel and articulately connecting one of said actuating elements to said coupler, said thrust joint having a slot and a joint pin, said joint pin covering a thrust travel within said slot while

throwing said single cylinder on and off said impression cylinder, and said slot having a length greater than said thrust travel.

Royer teaches a device for throwing-on and throwing-off a press element in a printing press including a single cylinder, 15, acting as a form cylinder, an applicator roller, 32, 33, a roller throw-on and throw-off bearing for throwing said applicator roller on and off said single cylinder including a rotatably mounted first actuating element, 37, 38, a cylinder throw-on and throw off bearing for throwing said single cylinder on and off said impression cylinder, including a rotatably mounted second actuating element, 12, 13, and a coupler forming a coupler mechanism together with said first and second actuating elements. See column 2, line 28 - column 3, line 26 and the Figures.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Jahn to include a throw-on and throw-off bearing for the applicator roller, and a coupler mechanism to connect the bearings, as taught by Royer, in order to be able to move the applicator roller in conjunction with the movement of the form cylinder.

Wadlinger et al. teaches a device for throwing-on and throwing-off a press element in a printing press including a thrust joint, 29, having a dead thrust travel and articulately connecting an actuating element to a coupler, 28, said thrust joint having a slot and a joint pin, said joint pin covering a thrust travel within said slot while throwing said single cylinder on and off said impression cylinder. See column 6, lines 41-64 and Fig. 6.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the apparatus of Jahn to include the thrust joint of Wadlinger et al. in order to better control the positioning of the coupler mechanism.

It should be noted that Wadlinger is silent concerning the length of the slot for the thrust joint with respect to the distance of the thrust travel. Although there is no explicit teaching that the slot has a length greater than the thrust travel, there is also no teaching that this is not the case. As such, the length of the slot would appear to be a matter of design choice, having no apparent patentable significance and therefore is considered to be obvious to one having ordinary skill in the art. Furthermore, as a distance of thrust travel would be measured from the center of the pin, rather than from the edge of the slot, it is inherent that the length of the slot would be longer than that of the distance traveled.

With respect to claim 2, although Wadlinger et al. does not explicitly teach that said first actuating element is an eccentric bushing, Wadlinger et al. does teach that the first actuating element is eccentrically mounted and it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the actuating mechanism of Wadlinger et al. to mount the single applicator roller of Jahn in an eccentric bushing, as it is well known in the art to apply the structural advantages of an eccentric bushing in a system with a movable roller.

With respect to claim 3, Jahn teaches the second actuating element is a cam ring. See column 4, lines 22-28.

With respect to claim 4, Jahn does not teach that said thrust joint connects said first actuating element to said coupler.

Wadlinger et al. teaches that said thrust joint connects a first actuating element to a coupler, 28. See column 6, lines 41-64 and Fig. 6.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the apparatus of Jahn to include the thrust joint of Wadlinger et al. in order to better control the positioning of the coupler mechanism.

With respect to claims 5-6, Jahn does not teach that said thrust joint is a rotary and thrust joint wherein the joint pin is to be rotatably and displaceably guided in said slot.

Wadlinger et al. teaches that said thrust joint is a rotary and thrust joint wherein the joint pin is to be rotatably and displaceably guided in said slot. See column 6, lines 41-64 and Fig. 6.

It would have been obvious to one having ordinary skill in the art at the time of the invention to further modify the apparatus of Jahn to include the thrust joint details of Wadlinger et al. in order to better control the positioning of the coupler mechanism.

With respect to claim 7, Jahn teaches said applicator roller is associates with said at least one form and blanket cylinder as a single applicator roller. See column 4, lines 1-14 and the Figures.

***Response to Arguments***

Applicant's arguments filed August 26, 2009 have been fully considered but they are not persuasive.

In response to applicant's argument that the prior art does not teach lost motion, although, as argued, Jahn does state that in its unmodified state it is "unnecessary to apply any lost motion" this is merely a description of the invention, not a teaching that this is inappropriate. The modification of Jahn to include the thrust joint of Wadlinger et al., would have been obvious to one having ordinary skill in the art as a different method of controlling the positioning of the coupler mechanism and as it operates differently, the use of lost motion in this case would not be undesirable.

In response to applicant's argument that the limitation of a slot with a length greater than a thrust travel is not shown in the prior art, applicant's arguments with respect to the patentable significance of the length of the slot being greater than the thrust travel have been considered but are not sufficient to overcome the previously applied rejection. As discussed in the previous office action, applicant's description of the two operating modes of the invention refer to subject matter which is not included in the claims and therefore cannot be relied upon to distinguish applicant's invention from the prior art. The structure as claimed does not include these two operating modes and therefore these cannot be used to distinguish the structure from that of the prior art.

Furthermore, as is noted in the above rejection, a distance of thrust travel would be measured from the center of the pin, rather than from the edge of the slot, it is inherent that the length of the slot would be longer than that of the distance traveled.

This is a physical limitation that is present in the prior art and therefore applicant's claim language is not sufficient to distinguish the invention over the prior art.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571)272-2159. The examiner can normally be reached on M-F 10:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jec

/Jill E. Culler/  
Primary Examiner, Art Unit 2854